

ORDINANCE NO. 2005 - 053

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **INTRODUCTION AND ADMINISTRATION ELEMENT** (TO REVISE CRITERIA RELATED TO **TIER BOUNDARY CHANGES**); THE **FUTURE LAND USE ELEMENT** (TO REVISE CRITERIA RELATED TO TIER BOUNDARY CHANGES; TO ADD LANGUAGE UNDER OBJECTIVE 2.6 SPECIFYING THE **TRANSFER OF DEVELOPMENT RIGHTS (TDR) DENSITY CALCULATION** FOR A PROPERTY IN THE URBAN/SUBURBAN TIER OF THE GLADES AREA; TO REVISE SUB-OBJECTIVE 1.2.3 AND ITS ASSOCIATED POLICIES TO INCLUDE **REVITALIZATION, REDEVELOPMENT, AND INFILL** CONSIDERATIONS AND TO REFLECT CURRENT CONDITIONS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 10 & 24 and July 8, 2005 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 20, 2005 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on October 5, 2005 the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated September 30, 2005 which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, the written comments submitted by the Department of
5 Community Affairs contained no objections to the amendments contained
6 in this ordinance;

7 WHEREAS, on November 28, 2005 the Palm Beach County Board of
8 County Commissioners held a public hearing to review the written
9 comments submitted by the Department of Community Affairs and to
10 consider adoption of the amendments; and

11 WHEREAS, the Palm Beach County Board of County Commissioners has
12 determined that the amendments comply with all requirements of the
13 Local Government Comprehensive Planning and Land Development
14 Regulations Act.

15 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
16 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

17 Part I. Amendments to the 1989 Comprehensive Plan

18 Amendments to the text of the following Elements of the 1989
19 Comprehensive Plan are hereby adopted and attached to this Ordinance
20 in Exhibit 1:

- 21 A. Introduction and Administration Element, to revise criteria
22 related to Tier Boundary changes;
- 23 B. Future Land Use Element, to revise criteria related to Tier
24 Boundary changes;
- 25 C. Future Land Use Element, to add language under Policy 2.6
26 specifying the Transfer of Development Rights (TDR) density
27 calculation for a property in the Urban/Suburban Tier of
28 the Glades Area;
- 29 D. Future Land Use Element, to revise Sub-Objective 1.2.3 and
30 its associated policies to include Revitalization,
31 Redevelopment, and Infill considerations and to reflect
32 current conditions; and
- 33 E. Amending all elements as necessary for internal
34 consistency.
- 35
36

1 Part II. Repeal of Laws in Conflict

2 All local laws and ordinances applying to the unincorporated area
3 of Palm Beach County in conflict with any provision of this ordinance
4 are hereby repealed to the extent of such conflict.

5 Part III. Severability

6 If any section, paragraph, sentence, clause, phrase, or word of
7 this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 Part IV. Inclusion in the 1989 Comprehensive Plan

11 The provision of this Ordinance shall become and be made a part
12 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
13 Ordinance may be renumbered or relettered to accomplish such, and the
14 word "ordinance" may be changed to "section," "article," or any other
15 appropriate word.

16 Part V. Effective Date

17 The effective date of this plan amendment shall be the date a
18 final order is issued by the Department of Community Affairs or
19 Administration Commission finding the amendment in compliance in
20 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
21 applicable. No development orders, development permits, or land uses
22 dependent on this amendment may be issued or commence before it has
23 become effective. If a final order of noncompliance is issued by the
24 Administration Commission, this amendment may nevertheless be made
25 effective by adoption of a resolution affirming its effective status,
26 a copy of which resolution shall be sent to the Florida Department of
27 Community Affairs, Division of Community Planning, Plan Processing
28 Team. An adopted amendment whose effective date is delayed by law
29 shall be considered part of the adopted plan until determined to be
30 not in compliance by final order of the Administration Commission.
31 Then, it shall no longer be part of the adopted plan unless the local
32

1 government adopts a resolution affirming its effectiveness in the
2 manner provided by law.

3 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
4 Beach County, on the 28 day of November, 2005.

5
6 ATTEST:
7 SHARON R. BOCK, CLERK &
8 COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: [Signature]
11 Deputy Clerk

By: [Signature]
Tony Masilotti, Chairman

12
13 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

14 [Signature]
15
16 COUNTY ATTORNEY

17
18 Filed with the Department of State on the 6th day of
19
20 December, 2005.

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EXHIBIT 1

A. Introduction and Administration Element, Tier Boundary Redesignation Standards

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. Revised I&A Element II.H (Applications for Amendment), Pages 5 and 6:

H. Applications For Amendment

The following conditions shall apply to any application for change in the Palm Beach County Comprehensive Plan:

1. The process for Amending the Comprehensive Plan shall be guided by the provisions of Florida Statutes Chapter 163, the Administrative Rules implementing it and in accordance with the provisions herein.
2. Amendments to the text, tables, charts, and maps shall be initiated only by the Board of County Commissioners or the Local Planning Agency.
3. Applications for an amendment to the Future Land Use Atlas (FLUA) for specific parcels of land shall be initiated only by the owner of the parcel, the Board of County Commissioners, or the Local Planning Agency.
4. Site-specific amendments shall be based on one or more of the following factors, and a demonstrated need to amend the Future Land Use Atlas:
 - a) Changed Projections: Changed projections in the Comprehensive Plan, including but not limited to amendments that would ensure provision of public facilities.
 - b) Changed Assumptions: Changed assumptions in the Comprehensive Plan, including but not limited to the fact that an area's growth has altered the character such that the proposed development is now reasonable and consistent with land use characteristics.
 - c) Data Errors: Data errors, including errors in mapping, vegetative types and natural features in the Comprehensive Plan.
 - d) New Issues: New issues that have arisen since adoption of the Comprehensive Plan.
 - e) Additional Detail or Comprehensiveness: Recognition of a need for additional detail or comprehensiveness in the Comprehensive Plan.
 - f) Data Updates: Data updates.

Beginning January 1, 1999, applications for site specific amendments to increase residential density are required to demonstrate that the future land use designation currently on the site is inappropriate.

The County shall allow small scale amendments (SCAs) to the County's Future Land Use Atlas which are exempt from the twice per year amendment round. Small scale amendments will be processed on a quarterly basis, with the window closing in February, May, August and October. Proposed small scale amendments must meet the following criteria (in addition to the State Statutes) in order to be processed:

1. The parcel consists of a lot (or lots) of record which do not exceed a total of 10 acres in size (including all land necessary to support the proposed use including land necessary for drainage);
2. The parcel is located within the Urban/Suburban Tier Service Area Boundary;
3. The ~~parcel is not requesting~~ is not to move the boundary of any tier Urban Service Area Boundary; and
4. The parcel is not/was not part of an approved PUD.

B. Future Land Use Element (FLUE), Tier Boundary Redesignation Standards

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

1. Revised FLUE Policy 1.1-b, Page 8:

In addition to the criteria for amending a future land use designation, the County shall apply the following ~~criteria~~ standards to allow for the redesignation of a Tier to respond to changing conditions, ~~or to purposely allow pre-designation of an area, when appropriate.~~

- A. The County shall not approve a change in tier boundaries unless each of the following conditions are met:
1. The area to be reassigned to another tier must be contiguous to the tier to which it would be assigned; and,
 2. A Study must be conducted to determine the appropriate tier designation of the area and its surroundings, in order to avoid piecemeal or parcel-by-parcel redesignations. If a neighborhood plan or study recognized by the Board of County Commissioners includes the area and makes recommendations concerning tier boundaries, such neighborhood plan or study may serve as the Study required by this policy.
- B. Additionally, the following factors shall be considered, as part of the required Study, to evaluate the merit of the potential Tier redesignation:
1. The availability of sufficient land to accommodate growth within the long range planning horizon, considering existing development approvals;
 2. The need to balance future land uses, considering the impact of continued development on an area and/or its demographics, as identified through a Specific Area Plan within a Sector Plan or through the Community Planning process;
 3. For redesignations to the Urban/Suburban Tier, the necessity of designating additional land for urban/suburban development in the particular location, considering any infill or redevelopment opportunities available within the Urban Redevelopment Area (URA) or ~~The extent to which deficiencies in the Revitalization and Redevelopment Overlay (RR-O) have been addressed;~~
 4. ~~For any redesignation subtracting land from The impact of the pre-designation on the availability of land within the Rural and/or Exurban Tiers,~~ the impact on the lifestyle and character of these tiers, including maintaining physical contiguity of existing neighborhoods and land use compatibility to ensure choices in the residential market place and continuation of these lifestyle preferences; and,
 5. The ability of the property to maximize the use of existing and/or planned public facilities and services to be extended in an orderly and economic manner under the proposed tier designation;
 6. For redesignations to the Urban/Suburban Tier, the potential for the Tier redesignation to further County land use goals and objectives, such as mixed-use development in appropriate locations, provision and geographic dispersal of affordable and workforce housing and/or improvement of public transit; and,
 7. The presence or absence of natural or built features which currently serve as, or have the potential to serve as, logical demarcations between Tiers.

~~Notwithstanding the above provisions, the County shall not approve land use changes which result in the redesignation of a property to another Tier or removal of a property from an assigned Tier prior to the first Evaluation and Appraisal Report subsequent to adoption of this policy (in 1999) except through use of the Optional Sector Plan process or the creation of the Scientific Community Overlay and the adoption of the Glades Area Protection Overlay.~~

If any property not within a Sector Plan area is removed from an assigned tier through the future land use amendment process, as allowed for under this policy, the Planning Division shall conduct a Study to determine the property's impact on the tier system, the appropriate tier designation for the property and if and how tier boundaries need to be further adjusted in the area of the property. In making these determinations, the Study shall employ the criteria listed above for evaluating adjustments to the tier system.

C. Future Land Use Element, Transfer of Development Rights (TDR) Density Calculations in the Urban Suburban Tier (Glades Area)

REVISION: To revise and update. The revision is shown below with the added text underlined and the deleted text ~~struck out~~.

REVISED Policy 2.6-g: In order to encourage eastward development and a tapering off of density towards the western edge of the Urban/Suburban Tier, and support development within the Urban/Suburban Tier in the Glades, or to protect rural residential areas by concentrating needed housing units where urban residential future land use designations already exist, bonus densities may be applied for as follows:

1. Inside the Urban/Suburban Tier and west of the Florida Turnpike, up to 2 du/acre additional;
2. Inside the Urban/Suburban Tier, but not in the Revitalization and Redevelopment Overlay, up to 3 du/acre additional;
3. In the Revitalization and Redevelopment Overlay, up to 4 du/acre additional; and,
4. Inside the Scientific Community Overlay, up to 2 du/ac.
5. In the Urban/Suburban Tier in the Glades area: (a) But not in a Revitalization and Redevelopment Overlay, up to 3 du/acre additional; or (b) In a Revitalization and Redevelopment Overlay, up to 4 du/acre additional.

D. Future Land Use Element, Revitalization, Redevelopment and Infill Overlay (RRIO) Sub-Objective

REVISIONS: To revise Future Land Use Element Sub-Objective 1.2.3 and its associated policies to include revitalization, redevelopment, and infill (RRI) considerations and reflect current conditions; and to delete Future Land Use Element Policies 1.2.3-f and 1.2.3-g. The revisions are shown with the added text underlined and the deleted text ~~struck out~~.

REVISED SUB-OBJECTIVE 1.2.3 Revitalization, and Redevelopment, and Infill Overlay (RRIO)

~~The County shall establish the Revitalization and Redevelopment Overlay to identify neighborhoods that are considered distressed so that they may be targeted for comprehensive and coordinated assistance. This assistance shall involve a partnership of local residents, the County, and other interested stakeholders to reverse blighted conditions and promote the creation of desirable and safe places to live, work, and play.~~

The County shall establish incentives and make resources available, when feasible, to encourage revitalization, redevelopment, and infill in areas identified as a RRIO that are in need of assistance. The County shall work closely with residents, businesses, property owners, governmental agencies, and stakeholders to advance concepts and strategies that guide future revitalization, redevelopment, and infill activities in these areas

Countywide Community Revitalization Team (CCRT) Areas

The Office of Community Revitalization (OCR) is specifically responsible for developing and recommending revitalization strategies as well as providing technical and financial resources for designated neighborhoods in unincorporated Palm Beach County. The approved redevelopment strategies along with the OCR's technical and financial assistance will be utilized to institute resident-driven revitalization initiatives. These neighborhoods and other identified areas are designated through the Countywide Community Revitalization Team (CCRT) process instituted by the Board of County Commissioners in 1997. The Office of Community Revitalization is also responsible for the creation of financial incentives for neighborhood businesses to also become active partners in a community's revitalization.

REVISED Policy 1.2.3-a: ~~The Planning Division~~ Office of Community Revitalization, through the ~~Countywide Community Revitalization Team (CCRT)~~ shall continue to coordinate delivery of appropriate resources to stabilize and revitalize neighborhoods by:

1. Identifying neighborhood and resident needs;
2. Identifying funding sources to complete ~~Providing~~ infrastructure improvements;
2. ~~Concentrating Code Enforcement efforts;~~
3. Helping neighborhoods to form community improvement organizations; Providing residents the opportunity to support and to participate in and maintain revitalization efforts;

4. Providing technical and financial assistance to neighborhood organizations and local businesses recreational facilities;
5. Directing the concentration of Code Enforcement efforts; and
6. Facilitating the provision of tailored health and human services.
6. ~~Allocating resources to provide infrastructure improvements.~~

REVISED Policy 1.2.3-b: The Office of Community Revitalization ~~Countywide Community Revitalization Team~~ shall periodically review and update the "Community Needs Analysis and Resource Assessment" to assist in the prioritization of funding for improvements to code enforcement, health and human services, parks and recreation facilities, transportation systems, utilities, and drainage.

REVISED Policy 1.2.3-c: The Planning, Zoning, and Building Department shall continue to target concentrated code enforcement efforts in the Revitalization, and Redevelopment, and Infill Overlay to reduce the number of code violations and improve the physical condition of neighborhoods.

REVISED Policy 1.2.3-e: The Revitalization, and Redevelopment, and Infill Overlay (RRIO) shall be designated as a potential receiving area for the Transfer of Development Rights program described under Land Use Objective 2.6. Within this overlay, TDR units may be provided from the County TDR bank at no cost or at a discounted rate.

The purpose of the URA is to focus the County's redevelopment and infill efforts by promoting economic growth, improving the present conditions of infrastructure, investment and reinvestment in the area, and discouraging urban sprawl by directing development where resources exist. The boundaries for the URA are generally described as Community Drive to the north, Lake Worth Drainage District (LWDD) L-14 Canal to the south, Interstate Highway I-95 on the east, and extend to some points as far west as Jog Road.

Policy 1.2.3-~~lf~~: Higher development intensity/density should be encouraged in the URA where appropriate.

Policy 1.2.3-~~mg~~: Mixed-use centers and employment centers shall be encouraged in the Urban Redevelopment Area (URA) where appropriate.

Policy 1.2.3-~~nh~~: Higher development intensity/density should incorporate multi-modal transportation amenities for development and redevelopment projects in the URA where appropriate.

Policy 1.2.3-~~oj~~: The County shall require, where feasible, inter-connectivity in the URA between complementary neighboring land uses for both vehicular and pedestrian cross access.

Policy 1.2.3-~~pj~~: The County shall seek and encourage Workforce Housing opportunities in the URA.

Policy 1.2.3-~~qk~~: The County shall coordinate with adjacent municipalities regarding redevelopment activities within the URA to ensure that such efforts are consistent with municipal annexation plans and redevelopment activities within the URA, as appropriate.

Lake Worth Park of Commerce Urban Redevelopment Area

The purpose of the Lake Worth Park of Commerce Urban Redevelopment Area is to promote an employment center through redevelopment and economic revitalization efforts. The boundaries for the Park of Commerce are: 10th Avenue North to the north; Lake Worth Road to the south; Interstate 95 to the east; and the E-4 Canal to the west.

REVISED Policy 1.2.3-~~hl~~: The Planning Division shall continue to investigate appropriate land use changes to industrial within the Lake Worth Park of Commerce to promote redevelopment and economic revitalization.

REVISED Policy 1.2.3-~~im~~: The Planning Division in coordination with the Office of Community Revitalization shall continue to coordinate and provide assistance to the City of Lake Worth and County agencies to ensure improved infrastructure, services and access within the Lake Worth Park of Commerce.

REVISED Policy 1.2.3-jn: The Planning Division in coordination with the Office of Community Revitalization shall encourage new development proposals within the Lake Worth Park of Commerce, with emphasis on those at the north and south entrance of the Park of Commerce along Boutwell Road, to be consistent with the goal to create a quality office/industrial park, as established in the Lake Worth Park of Commerce Conceptual Plan.

NEW Lake Worth Road Commercial Corridor Overlay (LWRCCO)

The purpose of the Lake Worth Road Commercial Corridor Overlay (LWRCCO) is to provide incentives to encourage infill development and redevelopment along Lake Worth Road, improve the neighborhood characteristics of the area, and improve the overall quality of the surrounding community. The Lake Worth Road Commercial Corridor area is located approximately one mile west of the heart of downtown Lake Worth, and is bounded on the north by 2nd Avenue, on the south by the L-12 Canal, on the east by Congress Avenue, and on the west by Military Trail.

NEW Policy: 1.2.3-o The Office of Community Revitalization shall continue to develop and recommend financial and regulatory incentives to encourage infill and redevelopment along Lake Worth Road.

NEW Policy 1.2.3-p The Office of Community Revitalization shall continue to work with the Planning Division and the Engineering and Water Utilities departments to formulate a design and financing strategy for the installation of storm drainage and water/waste water improvements along Lake Worth Road.

~~**DELETED Policy 1.2.3-f:** By December 2003, the Planning Division shall facilitate development of a prototype master plan for infill revitalization of communities within the Revitalization and Redevelopment Overlay, which addresses:~~

- ~~1. The physical, educational, social, economic, and environmental issues identified as important to the residents of the specific area targeted; and,~~
- ~~2. The principles of a livable community, including pedestrian and transit oriented design for the neighborhoods and immediately adjacent areas.~~

~~The revitalization master plan shall:~~

- ~~1. Be developed in partnership with neighborhood residents and/or business owners, with opportunities for public involvement throughout the process;~~
- ~~2. Provide a development program to augment existing uses within the area to create a balanced mix of commercial, residential, civic, and recreational opportunities for residents of the community; and,~~
- ~~3. Depict the location, density, and intensity of uses, and provide for the use of flexible/alternative design standards, and a streamlined review process.~~

~~**DELETED Policy 1.2.3-g:** By October 2001, the Planning Division in cooperation with the Office of Public Affairs and appropriate agencies, shall develop and information program promoting the County's revitalization and redevelopment efforts. This manual shall be targeted to the building industry, financial institutions and area residents in order to foster public/private partnerships to assist in these efforts.~~

November 28, 2005
12/22/2005
Diane Brown
County Clerk